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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|------------------------------------|------------------------|
| 10/801,887 | 03/16/2004 | Ray Showers | 1010-0119 | 4482 |
| 26568 7590 06/26/2007 COOK, ALEX, MCFARRON, MANZO, CUMMINGS & MEHLER LTD SUITE 2850 200 WEST ADAMS STREET CHICAGO, IL 60606 | | | EXAMINER HORTON, YVONNE MICHELE | |
| | | | ART UNIT 3635 | PAPER NUMBER |
| | | | MAIL DATE 06/26/2007 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/801,887

Applicant(s)

SHOWERS ET AL.

Examiner

Yvonne M. Horton

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19, 21, 22 is/are rejected.
- 7) ☒ Claim(s) 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Response to Amendment

The amendment filed 04/11/07 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: the recessed region of the first locking part being concave, and the projection of the second locking part being convex such that there is a "rocking" motion; and the first edge having a head that penetrates the channel.

Applicant is required to cancel the new matter in the reply to this Office Action.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the recessed region of the first locking part being concave, and the projection of the second locking part being convex such that there is a "rocking" motion; and the first edge having a head that penetrates the channel must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure

Art Unit: 3635

is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is not clear if the "channel mouth" introduced in claim 15 is the same or a different channel mouth than that previously introduced in claim 14. Clarification or correction is required.

Claim Rejections - 35 USC § 102

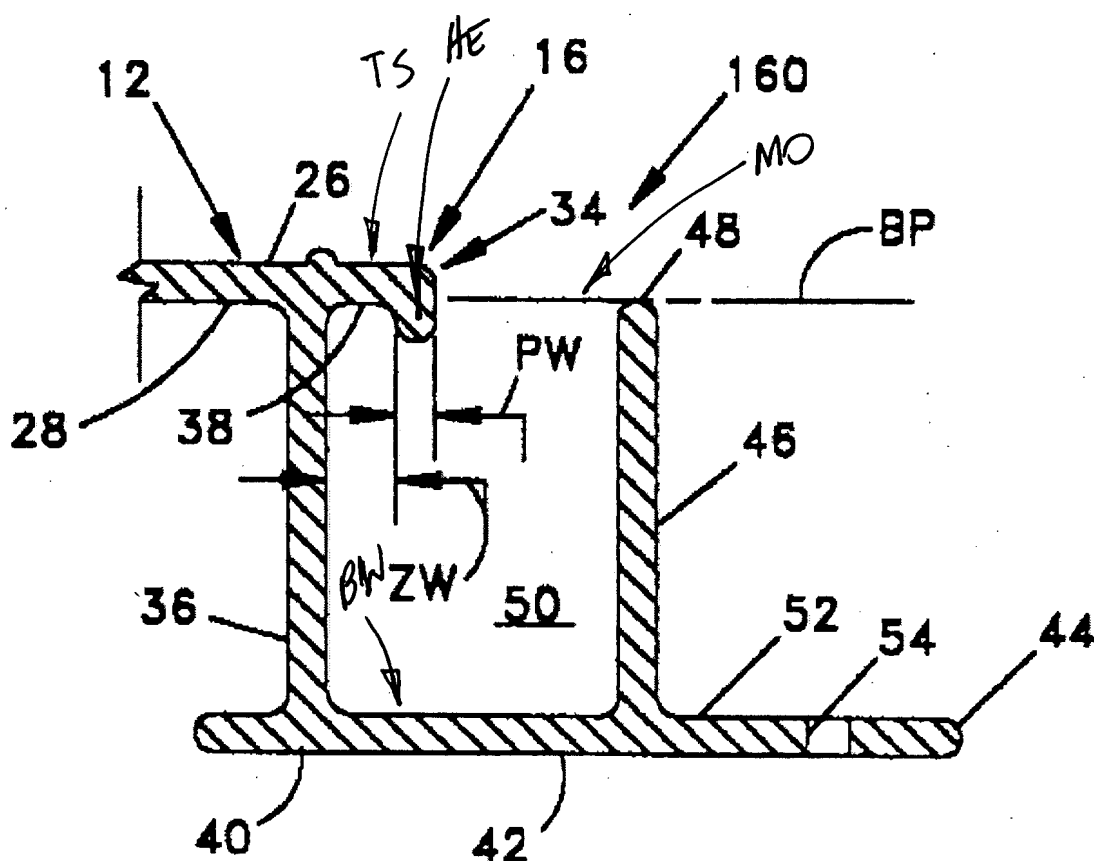
The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 3635

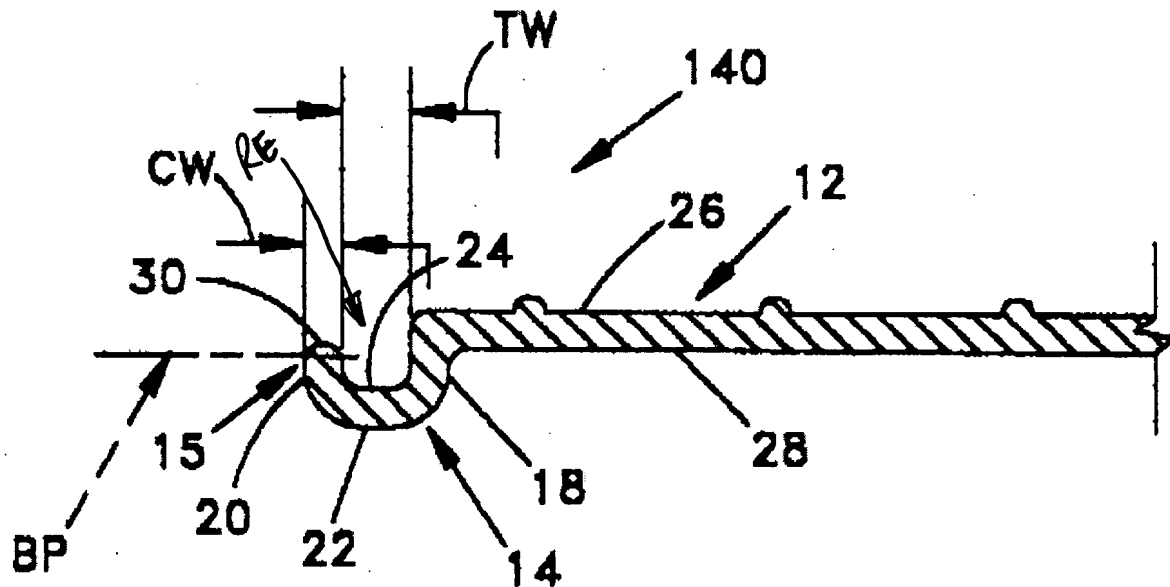
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 14 is rejected under 35 U.S.C. 102(b) as being anticipated by US Patent ##5,816,010 to CONN. CONN discloses a plastic (column 1, line 35) panel assembly formed by at least first and second plastic boards (10) secured at an interlocked joint (140,160) of said first and second boards, each of said boards having a construction comprising a main body (12) portion with a top surface (26), a bottom surface (28), a first edge region (34) and a second edge region (15), said first edge region having a top surface (TS) which is a continuation of the top surface of the main body portion and also



having a first locking part (16), said second edge region having a bottom surface (as at

18 & 22) which is a continuation of the bottom surface of the main body portion and also having a second locking part (14), said interlocked joint being formed by engagement



of said first locking part of said first edge region of the first board with said second locking part of said second edge region of said second board, said assembly including both a moisture drainage channel (50) and a mechanical fastener receiving surface (52) which are separated from one another at said interlocked joint, said first locking part of said first edge region includes a recessed region (RE) which faces downwardly, said second locking part of said second edge region comprises an upward projection (20) from said bottom surface of said second edge region, said recessed region has a concave shape and wherein said upward projection has a convex shape, said moisture drainage channel including a channel mouth (MO) above said upward projection, said first edge region including a laterally extending head portion (HE) which penetrates

through said channel mouth and which rocks upwardly into a moisture blocking position within said moisture drainage channel as said recessed region of said first locking part of first edge region is interlocked with said upward projection of said second locking part of said second edge region.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 15-19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #5,816,010 to CONN. CONN discloses the basic claimed panel except for forming the drainage channel on the second part. It would have been obvious to one having ordinary skill in the art at the time the invention was made that the reversal of parts are well within the ordinary skill of a worker in the art. CONN forms the channel on the first edge as opposed to the second edge. Thus, it would have been obvious to one having ordinary skill to reverse the parts of CONN; thereby having the channel formed on the "second side". As detailed by the examiner. Further regarding claim 15, the panel includes a locking mouth (MO) and the first region includes a locking member in the form of the head portion (HE). In reference to claims 16 and 17 considering the reversal of parts, it too would have been obvious and well within the general skill of a worker in the art to form the fastener receiving portion on the second region, such that the fastener receiving surface (52) is located on opposite sides of the joint. The channel (50) has a bottom wall (BW). Regarding claim 18, the fastener receiving surface (52) is separated from the channel (50) by an upward projection (46). In reference to claim 19,

Art Unit: 3635

the channel (50) has a roof (38) that locks with the head (HE). Regarding claim 21, the fastener receiving surface (52) includes a projecting fin (44) having a plurality of openings (54).

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #5,816,010 to CONN in view of US Patent #6,637,163 to THIBAULT et al. CONN discloses the basic claimed structure except for the use of oval shaped openings. THIBAULT et al. teaches that it is known in the art to provide the fin portion (60) of a panel with a plurality of oval openings (70). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to form the openings of CONN as taught by THIBAULT et al. in order to provide the structure with a means for adjusting the positions of the panels.

Allowable Subject Matter

Claim 20 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

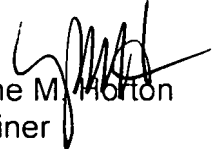
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (571) 272-6845. The examiner can normally be reached on 6:30 am - 3:00 pm.

Art Unit: 3635

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Yvonne M. Horton
Examiner
Art Unit 3635